## SUMTER COUNTY BOARD OF COMMISSAONERS EXECUTIVE SUMMARY

<b>SUBJECT:</b>	*R2009-0018 - Rezoning to RR1C - Daniel & Kathleen Button - CR 317B/Bushnell								
REQUESTED ACTION: Approve rezoning R2009-0018									
	<ul><li></li></ul>	DATE OF MEETING:  Special Meeting	10/13/2009						
CONTRACT:	N/A Effective Date: Managing Division / Dept:	Vendor/Entity: Termination Date: Planning							
BUDGET IMPACT:									
Annual FUNDING SOURCE:  Capital EXPENDITURE ACCOUNT:									
⊠ N/A	EXIEMBITURE ACCOUNT								
HISTORY/FACTS/ISSUES: The applicant is requesting rezoning on 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer from grandparents to grandchild.									
	iney - R2009-0017 hleen Button - R2009-0018****								

# SUMTER COUNTY ZONING AND ADJUSTMENT BOARD September 21, 2009

### BOARD OF SUMTER COUNTY COMMISSIONERS October 13, 2009

**CASE NO.** R2009-0018

APPLICANT: Daniel & Kathleen Button

**REPRESENTATIVE:** N/A

**REQUESTED ACTION:** Rezone 2 acres MOL from a non-compliant A5

to RR1C to complete a lineal transfer.

**EXISTING ZONING:** Non-compliant A5

FUTURE LAND USE: Agricultural

EXISTING USE: Vacant

PARCEL SIZE: 2 acres MOL

GENERAL LOCATION: Bushnell

SURROUNDING LAND USE:SURROUNDING ZONING:NORTH: AgriculturalNORTH: A5 = mobile home

**SOUTH:** Agricultural **SOUTH:** RR5 = mobile home

**EAST:** Agricultural **EAST:** RR1 = residence

**WEST:** Agricultural **WEST:** A5 = mobile home

COMMISSIONER'S DISTRICT: Garry Breeden

#### **CASE SUMMARY:**

The subject property is located on a private easement 4/10 of a mile north of CR 317B, in the unincorporated Bushnell area of Sumter County.

The subject property is approximately 2 acres with a width of approximately 663 feet and depth of approximately 135 feet.

#### **CASE ANALYSIS:**

The general character of the area surrounding and within the local vicinity of the subject property is residential with residences and mobile homes.

R2009-0018 Page 1 of 2

The applicant originally supplied a deed dated, 08/04/2009, OR 2103, Pg 604. Staffs review of the deed and survey found the easement to access the lineal transfer parcel did not meet the minimum requirements (30 feet as compared to 50 foot required.) Staff notified the applicant of the discrepancy on 9/11/09. The applicant recorded a corrective deed on 9/18/2009, OR 2117, P 671 that provides the required 50 foot easement.

#### DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff deems the application sufficient and in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval.

Notices Sent: 11 (In objection) 0 (In favor) 0

Zoning & Adjustment Board Recommendation: Approval (10-0)

Page 2 of 2

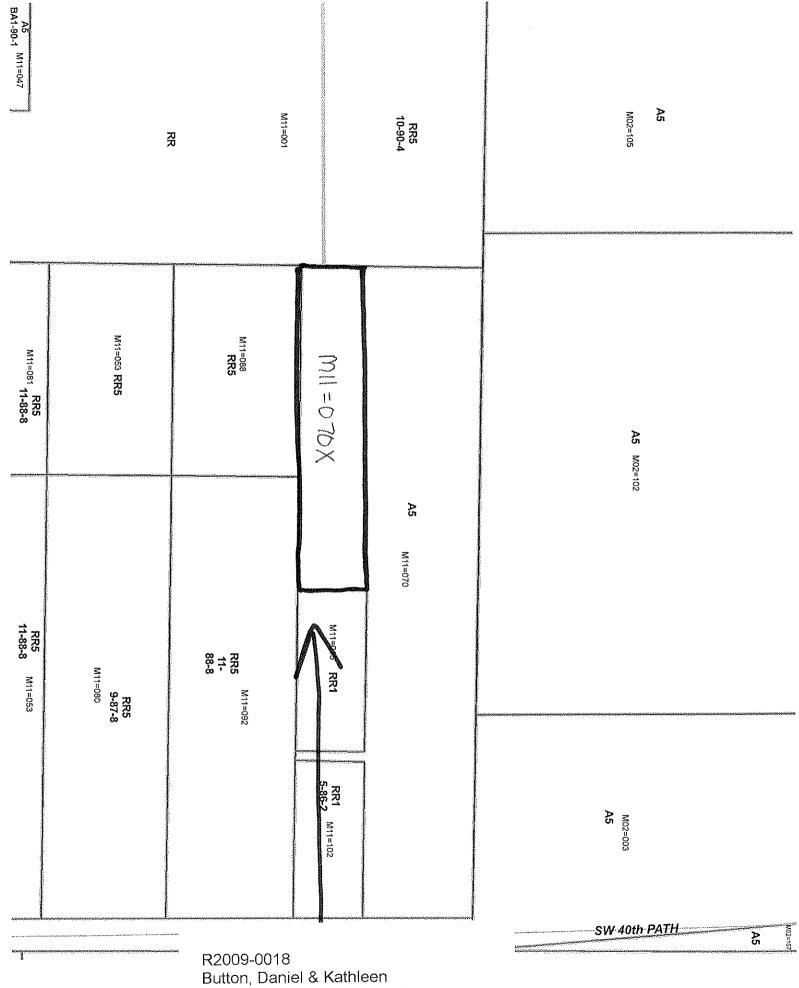


### JMTER COUNTY ZONING AND ADJUSTMENT BOARD

910 N. Main Street, Suite 301, Bushnell, FL 33513 Tel. (352) 793-0270 Fax (352) 793-0274 **Project No: R2009-0018**Application: 8/24/2009 KES

RFZONING

							REZUNING	
PROJECT TYPE PROJECT SUBTYPE			PROJECT DESCRIPTION					
REZONING Residential			REZONE 2 ACRES MOL FROM A5 TO RR1C					
OWNER			ADDRESS		DI 22515		PHONE	
BUTTON, DANIEL J & KATHLEEN R 4231 CR 316, BUSH								
PARCEL# M11=070X	SEC/TWP/RNG 11 21 21	GENERAL Bushnell		W ON C-48. N ON CR 317. W ON PRIVATE DR APPRX 4/10 MILE				
Property Address	2 (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 ) (10 )		N OF CR 317B.					
PARCEL SIZE		F.L.U.		LEGAL DESCRIPTION				
2 ACRES MOL		AG .		That portion of the NE 1/4 of the NE 1/4 of Section 11, Township 21 South, Range 21 East, Sumter County, Florida, described as follows:				
PRESENT ZONING		PRESENT USE		Commence at the Northeast corner. of said Section 11, thence run S00°33'09"E along the East line of said NE 1/4 of NE 1/4, a distance of 330.16 feet, thence N89°40'25"W 686.00 feet to the POINT OF BEGINNING of this description, from said point continue N89°40'25"W 662.86 feet to a found (unnumbered) 5/8" rebar at the Southwest corner of lands described in Official Records Book 43't, Page 313, Public Records of Sumter County, Florida, thence run N00°45'08W along the monumented West line of said lands, a distance of 135.00 feet, thence S89°40'25"t 663.33 feet, thence S00°3309"E 135.00 feet to the POINT OF BEGINNING; TOGETHER WITH an easement for ingress, egress and utilities over and across the following described property: Commence at the Northeast corner of the said Section 11, thence run S00°3349"E along the East line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 180.16 feet to the POINT OF BEGINNING of this easement description, from said point continue S00°33'09"E along said line, a distance of 30.00 feet, thence N89°40'25"W 686.00 feet to the POINT OF BEGINNING; LESS the East 40.00 feet thereof, for right-of-way for County Road No. 317. 8/4/09 B 2103 P 605				
NON COMPLIANT A5								
REQUESTED RE		10,000,000,000	REZONED ACREAGE		REZONED LEGAL DESCRIPTION			
REZONE 2 ACRES MOL FROM A NON-COMPLIANT A5 TO RRIC TO COMPLETE A LINEAL TRANSFER		2 ACRES MOL		SAM	E AS ABO	VE		
ABUTTING PROPERTY	NORTH		EAST			SOUTH	WEST	
ZONING/USE	А5-МН		RR1-RES		RR5-MH		A5-MH	
F.L.U.	AG		AG		AG		AG	
As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.								
UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.								
August 24, 2009 Signature(s) Date								
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A Public Hearing before the Zoning and Adjustment Board will be held on the date inidcated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.								
Zoning and Adjustment Board			9/21/2009 6:30 PN	1 Ro	Room: 142 Action:			
County Commission Meeting			10/13/2009 5:30 PN	1 Ro	om: 142	Action:		
NOTICES SENT RECEIVED IN FAVOR					\$	RECEIVED OB	JECTING (	
					1		7	



R2009-0018 Button, Daniel & Kathleen Sec. 11, Twp. 21S, Rng. 21E

SCALE OF MILES ).21S-RNG.21E NORTHEAST QUADRANT SCALE OF FEET 660 1320 1980 2640 SUMTER COUNTY, FLORIDA TWP.20S-RNG.21E SEE PAGE 40 TWP.20S-RNG.21E CAE AOESEI 13/10/A 21S-RNG.22E 533.2A M.HELEN - ROESEL\* SWAIN TR LE. 2/80/ \$250 XXWWSTT JR CARL 8 DORDTHY HOLM 16/20A C&W ERLER 470A C.H. BEVILLE RANCH LLC BONNIE M. MEUN AGR SUITH SUITH 520A NSIO. HAMILTON 7/20A IR 7 K2 I CCM ERLER 40/10A WAHOO 3 A: ... AOCAR O.JR. 4004 EC H&N STUCKMAN 43/20A TRUST INVESTMENT 102/104 W&M FOWELL A HAMILTON LIA I 83/10A DAVID & 1/320A B MANS 126.34 AQUELINE CLARI 100/10A MAC THOMPKINS LUKER PAMELA HELTON N F088 45.4A 13/104 7/10A 202/104 1300000 13000000 J. MORRISA TERONE WILDER 103/10A 85/20A > 15 POOLE WATSON CECIL & 21210 209/10 3/77A NORINA OYEN HOURS PALFH TO NYCHAEL WOULT ME ELAN KTH 3/5A Norman Oyen 14/21.5A JOAN 24/60/ B SUITER LAND 101/104 208/104 G&LJ 31/5A 27/10A K&M KENNETH & MARION STRONG 4/49A TRUST INVESTMENT TRUST INVESTMENT SESSON STRONG 42/18 SA MH 2/7.1A 33/13.9/ NORMAN TOODYATES D YATES

GE J 8551

WILLIES, IN OYEN 50/30A 1/35A ROBER A&L HAYES 6/68 54 WILLIAMS 54/20A N ERUN OYEN PINTE SOSSA SIS M 12/30.7A JOSEPH ORZOZOWSKI 3/22A SUNEX SUNEX & PAULA KNIGHT 19/20A M RUGAR Sosa BUSINELL SAWARL 18779A ESTÉLLÉ U HARRESO MERVALL MARA ESTELLÉ À PARROTTUR MERCHEL WATSON TR M.R. & PAULA KNIGHT 56/20A 57/20/ TR 3/20A STEEDLE 5/61.5A PAGE 5/112.63A SS/SA O SES 74 MICHAEL ECUSA 14/42A FAMILY & PAULA KNIGHT SEE FAS E-22 WORTHINGTON 805A GRANT SLOUGH 2.45 CLASBER CREEK HEIGHTS 245. **BRIAN** BRIAN 4/39/ DENNIS DENNIS TR MICHAEL SHARPE TR. 2.50 2.5 THOMAS BISSONNETT & RAYMOND SHONECK, III TINA OSBORNE D.O. & NANCY & PAULA KNIGHT HAL 17/28.8A -BACON\* 2/79A 21/69A 35/22A 11/60A FRANK & C. SUE McKINLEY, JR. TRUST PRANT 71851 HOLLY © DENNY SHIRLEY RULISON BALLESTER DVER 73.5A ENJA 59.92A ILLINO INC. KELLY 66/17.88 16/47.1A 79/13.34 6/27.2A 1/91A C G MARRIAGE 67/13.9A 6 4/21.5A 6/39A F&K SHAFER 59°12 6A 18/28.16A GEORGE JR & L.
CYNTHIA NOPAAN
& ANN PLANNER GAIL WRAK REBINAS DAVIS 11/54 50/5A DOROTHY 229 IA HOLLEKSSWORTH GEORGE M. NORMAUR. SZON A GEORGE M. NORMAUR. STON A GEORGE M. NORMAUR. STON NORMAUR. S GEORGE & HILLARY NORMAN WILKES C&G NRAGE MARLENE ANOREWS 65/10.44 2/37A 32/201 G&CM 55/9.8A TIMA THOMAS HALL EMOGENE \* HANSON JR GLENLIN & SU 71/5A CHURLES HARPER 1284 37/14 & ANN PLANNER 29/94.54 PATRICIA WADE GARY BENNETT 3/39A DELBERT & LOUISE FARRAR 3/30A 5/131.5A IMARVINE 4 40/32.8 GINO MILL POND DR LLC AIASE FEDERICO TR 616 66/10A gail Wilkes DAN 9/37.4A BARBARA 65/20A PLR GPUDY SESS 24/16.8A WALKER JENKINS. TL & LINEA PETERSON 12/20A 35/29.4A RICKERSON 8/40A 19/10A 16/20/ 2 3 ( 5 5 2 8 20/10A Ĉ&E CALENT NULL POND DR LLE JAHES A SPENDA KENNEY 25/12A JACQUEUNE PETERSON T.L.& J.R. PETERSON J&E TORRES 28/12A 18/18/89/2003 MAG WEISHUPT 10/165A & MARYLEE MONAGHAN 14/61A 13/60A CRUM 12/15A 3. • 28/40/ TE ADAM 68/20A 13/10.4A JUL 2054 TWP.21S-RNG.21E © FLORIDA PLATS 1989, 92, 96, 01, 05, REV. 2007 QUADRANT SEE PAGE 55 SOUTHEAST

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This Instrument Prepared by: Randall N. Thornton, Attorney P. O. Box 58 Lake Panasoffkee, Fla 33538

FLORIDA TRICOLINTY A HAYWARD, CLERK OF CIRCUIT COURT 09/18/2009 03:16:40PM PAGE 1 OF 2

B-2117 P-671 2009

26268

This document was prepared on information furnished by Grantor. No examination of title was requested by Grantee and no title examination has been made on the subject property. The preparer does not warrant the correctness of the legal description.

WARRANTY DEED

DEED

THIS DEED, made on Septembel 2009, between ROBERT F. BATEMAN and KATHLEEN BATEMAN, his wife, whose address is 5026 CR 317 Bushnell, Fl 33513, (Grantor)

and

♠⇒ DANIEL J. BUTTON and KATHLEEN R. BUTTON, his wife, whose address is 4231 CR 316 Bushnell, Fl 33513, (Grantee).

WITNESSETH, that Grantors, for and in consideration of LOVE AND AFFECTION, and other good and valuable consideration to Grantors in hand paid by Grantees, the receipt of which is acknowledged, conveys to Grantees and Grantees heirs, executors, administrators and assigns forever the following described land situated in Sumter County, Florida, tax parcel # M11-070 :

AS PER LEGAL DESCRIPTION ATTACHED.

GRANTORS ARE THE GRANDPARENTS OF GRANTEE.

"This conveyance creates a family exemption parcel which is subject to all regulations and restrictions as set forth in Section 13-308(a)(1) of the Sumter County Code."

THIS IS A CORRECTIVED DEED WHICH IS EXECUTED AND RECORDED TO CORRECT THE LEGAL DESCRIPTION CONTAINED IN THE DEED RECORDED IN OR BOOK 2103, PAGE 604 PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA.

Subject to restrictions, reservations, easements and limitations of record, if any, provided that this shall not serve to reimpose same, zoning ordinances, and taxes for the current year and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend that same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set grantors hand and seal the day and year first above written.

Signed, sealed and delivered in our presence. Witnesses:

Sign: Print: Sign: Print:

KATHLEEN BATEMAN

STATE OF FLORIDA COUNTY OF SUMTER

The foregoing instrument was acknowledged before me on the day of the work, 2009, by ROBERT F. BATEMAN individually and as attorney in fact for KATHLEEN BATEMAN.

KATHERINE E, STEELE Commission DD 811948

Expires June 2, 2011

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Broad Thu Try Faringuras 80035-7011

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SUM COUNTY, LORIDA GLON, HAYWARD, CLERK OF CIRCUIT COURT 09/18/2009 03:16:40PM

PAGE 2 OF 2 B-2117 P-672

2009 26268

### DESCRIPTION:

That portion of the NE 1/4 of the NE 1/4 of Section 11, Township 21 South, Range 21 East, Sumter County, Florida, described as follows: Commence at the Northeast corner of said Section 11, thence run S00°33'09"E along the East line of said NE 1/4 of NE 1/4, a distance of 330.16 feet, thence N89°40'25"W 686.00 feet to the POINT OF BEGINNING of this description, from said point continue N89°40'25"W 662.86 feet to a found (unnumbered) 5/8" rebar at the Southwest corner of lands described in Official Records Book 431, Page 313, monumented West line of said lands, a distance of 135.00 feet, thence S89°40'25"E TOGETHER WITH an easement for ingress, egress and utilities over and across the following described property: Commence at the Northeast corner of the SeGINNING of this easement description, from said point continue S00°33'09"E 130.00 feet, thence of 180.16 feet to the POINT OF BEGINNING of this easement description, from said point continue S00°33'09"E thence N00°33'09"W 50.00 feet, thence N89°40'25"W 686.00 feet, thence N00°33'09"W 50.00 feet, thence S89°40'25"E 686.00 feet to the POINT OF BEGINNING; LESS the East 40.00 feet thereof, for right—of—way for County Road No. 317.